

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

MERCHANT & GOULD P.C.
Attn. Daulton, Julie R.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
UNITED STATES OF AMERICA

COMMUNICATION IN CASES FOR WHICH
NO OTHER FORM IS APPLICABLE

Date of mailing
(day/month/year)

29/06/2004

Applicant's or agent's file reference

0258.1511WO/1

REPLY DUE

See paragraph 1 below

International application No.

PCT/US2004/007927

International filing date
(day/month/year)

17/03/2004

Applicant

DONALDSON COMPANY, INC.

1. ☐ REPLY DUE within _____ ~~1000~~ days from the above date of mailing

☒ NO REPLY DUE

2. COMMUNICATION:

The applicant is informed that establishment of the international search report (ISR) for non first-filings may be delayed due to a current search backlog.

Although the time limit for entering the national phase before designated offices under Article 22(1) PCT and elected offices under Article 39(1) PCT has, with effect from 1 April 2002 (see PCT Gazette 44/2001 Section IV) been set at 30 months from the priority date (before the EPO the time limit is 31 months from the priority date - see Rule 107 EPC as amended with effect from 2 January 2002 - OJ EPO 8-9/2001, 373) not all PCT contracting states have yet made the necessary changes to their national laws and will for the time being continue to require entry to the national phase at 20/21 months from the priority date if a demand has not been filed before the end of 19 months from the priority date - see PCT Gazette/PCT Newsletter available on the WIPO internet site at <http://www.wipo.int/pct/en/index.html> for an up to date list of the applicable time limits.

In these circumstances, the EPO acting as IPEA will accept, without any late payment fee under Rule 58bis PCT, the handling fee and the preliminary examination fee due in respect of the demand relating to the present application, even if they are not paid within the time limit prescribed in Rules 57.3 and 58.1(b) PCT, provided that they are paid within one month from the date of transmittal of the ISR; i.e., the EPO will only send an invitation pursuant to Rule 58bis.1 (a) PCT after expiry of this one-month period. In all cases where the EPO has sent an invitation to pay and the applicant has not paid in full the amount due, the demand shall be considered as if it had not been submitted (Rule 58bis.1 (b)-(d) PCT). A loss of rights may well be the consequence in designated states where the time limit for entry into the national phase under Article 22 PCT has already expired (see also Article 37(4) PCT).

Note that if the competent IPEA chosen by the applicant is not the EPO and if the fees mentioned above are not paid within the time limit prescribed in Rules 57.3 and 58.1(b) PCT, the competent IPEA is entitled to apply Rule 58bis.1 (a) PCT immediately thereafter.

If your application is affected, we apologise for any inconvenience caused.

Finally, applicants are reminded that as of 3 January 2002 a rationalised PCT II procedure may apply, see OJ EPO 11/2001, 539 and that the EPO as ISA will not carry out international search on an application which relates to no more than a method of doing business, see OJ EPO 10/2001, 482. Applicants should also bear in mind the restriction of the EPO's competence as ISA and IPEA in certain technical fields in respect of certain international applications, see OJ EPO 1/2002, 52 and PCT Newsletter 1/2002 for further details.

Name and mailing address of the International Searching Authority



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ISA/EP

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Applicant's or agent's file reference 75811511WO/1	Date of mailing (day/month/year) 25/11/2004
International application No. PCT/US2004/007927	REPLY DUE See paragraph 1 below International filing date (day/month/year) 17/03/2004
Applicant DONALDSON COMPANY, INC.	

1. ☐ REPLY DUE within _____ ~~XXXX~~ days from the above date of mailing

☒ NO REPLY DUE

2. COMMUNICATION:

In reply to your letter of 21.11.04 please be informed that the wording in Box No. II does not necessarily mean that a copy of the priority document has not been furnished at all but that said document was not available to the International Searching Authority at the time of the International Search. Therefore, the International Searching Authority could not consider the validity of the priority claim. Such a situation may, for instance, occur a priority document, although furnished, has not yet been transferred from the International Bureau or the Receiving Office to the International Searching Authority. The written opinion has nevertheless been established on the assumption that the entire content of the application is entitled to the earliest priority date.

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Tanja Rührmund
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